



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,629	08/03/2001	Jay Levenson	011151	7517
23464 7590 06/18/2008 BUCHANAN INGERSOLL & ROONEY PC P.O. BOX 1404 ALEXANDRIA, VA 22313-1404				
EXAMINER				
WORJLOH, JALATIE				
ART UNIT		PAPER NUMBER		
3685				
NOTIFICATION DATE		DELIVERY MODE		
06/18/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary

Application No.

09/921,629

Applicant(s)

LEVENSON ET AL.

Examiner

Jalatee Worjloh

Art Unit

3685

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C2)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 19, 2008 has been entered.

Response to Arguments

Applicant's arguments filed February 19, 2008 have been fully considered but they are not persuasive.

Claims 1, 16, and 25

Applicant argues that the cited reference (Blagg, US 2003/0120571 A1) does not disclose the linking of master purchasing accounts to a bank account.” Blagg discloses that a key account (master purchasing account) is linked to a dependent account (bank account) [Blagg, 0069]. In one of the embodiments of Blagg, for instance, a VISA account held by a mother designated as the key account is linked multiple dependent accounts separate from the key account and each other for each child. *Id.*

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “there is no mention of the cards in Blagg being linked to a bank account different from the account present for each individual card”) are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Regardless, Blagg discloses that accounts can cross product line and therefore accounts, i.e., VISA and MASTERCARD accounts [0074].

Applicant further contends, “no financial institution currently allows the linking of an individual credit card account to a bank account.” In response to Applicant’s declaration, the examiner submits that Visa check/debit cards have been in use for years and linked to bank accounts.

Applicant further misstates the teachings of Blagg by conceding that even though “Blagg does teach a Key Financial Record 402, which is the account that is liable for the group however, that Key Financial Record 402 is not directly linked to any of the Dependent Financial Records, nor are any of the Dependent Financial Records linked to any other Dependent Financial Records. Therefore, [Applicant concludes], there is no parent/child relationship between the accounts. *Id at 9*. As noted above, Blagg clearly discloses Applicant’s exact scenario in paragraph 0069 and Table 1 describing a parent/child embodiment.

Furthermore, since Applicant recites optional language “or” as part of the system, the examiner need only show that either of the recited options is anticipated by the cited reference. Optional or conditional elements do not narrow the claims because they can always be omitted. See *e.g.* MPEP §2106 II C:

Claim 2

Applicant relies on arguments for claim 1. Applicant's use of optional terminology "can" fails to limit the claim.

Claim 4

Applicant's use of optional terminology "can" fails to limit the claim.

Claim 5

As per Applicant's argument that the reference fails to disclose use of the claimed subject matter over the Internet, paragraph 0058 discloses that a distributed computer system can be used to implement the invention.

Claim 9

Applicant's contention that no reference to encrypting and decrypting for purposes of securing communication is made with outside entities is without merit. In order for an approval to be made to authorize a transaction, a secure message has to be sent to the banking entity to check the account user's credit limit and upon authorization, such approval must be sent back to the requesting entity.

Claim 11

Applicant's contention that the cited reference utilizes a computer to communicate information yet fails to disclose a software application is inconsistent and flawed.

Claim 12

Applicant's argument that the reference fails to anticipate that funds can be transferred between accounts is not persuasive. As per the embodiment and parent/child/family example in

the cited reference, “the cardholders may be related and the payments may be made from family funds, but each account is still processed independently [0065].”

Claim 13 & 15

Applicant’s argument that the reference fails to disclose the software application establishing communication with the credit card processor, the examiner submits that the issuer without such communication cannot accomplish a credit card/limit approval and authorization.

Claims 6, 24, 28

Applicant concedes, “identification of users via voice recognition is well known in the prior art.” In response to applicant's argument that even though the above noted limitation is well known in the art, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, contrary to Applicant’s contention, the object of Madan’s invention is to utilize voice recognition technology to facilitate a efficient and rapid financial electronic transaction, i.e., stock purchases (column 1, lines 11-14).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-9, 11-23 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Blagg (US 2003/0120571 A1).

As per the following claims, Blagg discloses:

1. A system for the payment of petty cash disbursements comprising:

- one or more master purchasing card accounts linked to a bank account (§0055-0056, 0069, 0072, linking accounts; §0062, issuer is typically a financial institution or bank); and
- one or more subordinate purchasing card accounts linked to one of said master purchasing card accounts or to other subordinate purchasing card accounts linked, directly or indirectly, to one of said master purchasing card accounts (§0071-0075, 0090-0094, dependent linked accounts); wherein an owner of said bank account has the authority to authorize the transfer of funds to any master purchasing card account to cover purchases made using that master purchasing card account or any subordinate purchasing card account linked to that master purchasing card account (§0035, 0075-0078, 0104, 0126, 0134-0142 ; Fig. 8A,

806 - key account always participants in authorization); and wherein the owner of any of said purchasing card accounts has the authority authorize the movement of funds from its own account to any subordinate purchasing card account having a link thereto (¶0134-0142, authorizing a transaction; 0143-0154, applying a payment).

2. The system of claim 1 wherein each of said purchasing cards has an expenditure limit (¶0016).
3. The system of claim 1 wherein any of said purchasing cards may create and break links to or from subordinate purchasing cards (¶0080, 0085, de-linked account).
4. The system of claim 2 wherein requests for the modification of the said expenditure limit for any subordinate card and the authorization of said modification can be accomplished in real time (¶0136).
5. The system of claim 4 wherein said requests and said authorizations are facilitated by a web site available over the Internet (¶0059-0062).
7. The system of claim 2 further comprising a software application running on a computer system (¶0058-0059).
8. The system of claim 7 wherein said software application is configured to establish

communications with outside entities (§0058-0059).

9. The system of claim 8 wherein said communications with outside entities are: encrypted prior to sending and decrypted after receiving to ensure data integrity and security; and entered into a log file for audit and customer support purposes (fig 7B, 754-760, authorization and approval).

11. The system of claim 9 wherein said software application establishes communication with a bank, said bank maintaining said bank account (§0062, 0063).

12. The system of claim 11 wherein said software application initiates a transaction at said bank to move funds between said bank account and said purchasing cards to cover expenditures made using said purchasing cards (§0016, 0035, 0104, 0126).

13. The system of claim 9 wherein said software application establishes communications with a credit card processor (§0058).

14. The system of claim 13 wherein said software application is configured to instruct said credit card processor to modify said expenditure limit for any of said purchasing cards (§0062, 0121, 0136, 0153, 0181).

15. The system of claim 13 wherein said credit card processor exchanges data with said software application, said exchange data advising said software application of purchases made using any of said purchasing cards (§0129-0131, data exchanged/updated).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blagg (US 2003/0120571 A1), in view of Madan et al., U.S. Patent 6,581,035 B1.

Blagg discloses a system/method/computerized system wherein one or more master purchasing card accounts linked to a bank account (§0055-0056, 0069, 0072, linking accounts; §0062, issuer is typically a financial institution or bank); and one or more subordinate purchasing card accounts linked to one of said master purchasing card accounts or to other subordinate purchasing card accounts linked, directly or indirectly, to one of said master purchasing card accounts (§0071-0075, 0090-0094, dependent linked accounts); wherein the owner of said bank account may authorize the transfer of funds to any master purchasing card account to cover purchases made using that master purchasing card account or any subordinate purchasing card account linked to that master purchasing card account (§0075-0078, 0104, 0126); and wherein the owner of any of said purchasing card accounts may authorize the movement of funds from its own account to any subordinate purchasing card account having a link thereto (§0134-0142, authorizing a transaction; 0143-0154, applying a payment).

Blagg does not explicitly disclose the use of voice recognition software and technology to accomplish such transactions.

Madan et al., however, teaches a system and method for voice-enabled transactions wherein user instructions, commands and ultimately transactions can be accomplished utilizing the user's voice (see abstract; figure 2 and associated text). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Blaggs' system and method for performing financial transactions to utilize Madan's voice-recognition mechanism to provide another method of identity verification and authentication so as to provide an additional means to prevent fraud, especially with regards to financial transactions, as per teachings of Madan et al.

Claims 16-27, 29 and 30 are directed to a system and method as recited above and are similarly rejected.

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 10:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt II can be reached on 571-272-6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jalatee Worjloh/
Primary Examiner, Art Unit 3685